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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,037	02/05/2002	Bryan Kocol	109476-000014	1939

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
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EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/072,037	Applicant(s) KOCOL, BRYAN	
	Examiner Adam L. Basehoar	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: The RCE filed 03/19/07.
2. The rejection of claims 40-47 under 35 U.S.C. 102(e) as being anticipated by Bates et al. (U.S. Patent 7076546; date of patent July 11, 2006; filed February 10, 1999) has been withdrawn as necessitated by the RCE.
3. The rejection of claim 48 under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Gamon (U.S. Pub. No. 20020054126; publication date May 9, 2002; filed October 16, 1998) has been withdrawn as necessitated by the RCE.
4. Claims 40-48 are pending in the case. Claim 40 is an independent claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 40-42 and 44-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al (US-2005/0114511 05/26/05).

-In regard to independent claim 40, Davis teaches a method for capturing link-tracking information from a network user, comprising:

requesting a Web page content from a content provider server via a data network

(Paragraph 46: “the client issues a...request for a web page located on a server”)(Fig. 3);

receiving a tracking enabled Web page via the data network (Paragraph 46: “Server A beings to send the HTML formatted document”), wherein the tracking enabled Web page contains a link tracking code that initializes an initial function which creates an array of links contained in the received tracking enabled Web page (Paragraph 13: “use of tracking program embedded in the resource and executable by a client”; Paragraph 18: “tracking program downloaded from server....monitor various indicia....such as selections or links to other resources or files”; Paragraph 21: “tracked resource...such as a Web page”; Paragraph 36: “a typical web page is an HTML document with...”links” that a user may activate”; Paragraph 40: “such as time....within a particular Web page”);

receiving a selection of a link in the array of links (Paragraph 10: “how many times a banner was “clicked” on”; Paragraph 18: “monitor various indicia....such as selections of links to other resources or files; Paragraph 40: “such as time....within a particular Web page”);

sending a link tracking request to a link tracking server via the data network, wherein the link tracking request corresponds to the selected link (Paragraph 13: “tracking information from the client to another computer connected to the network for storage and analysis”; Paragraph 14: “create a database....on their network servers” Paragraph 16: “creating a database.....individual user interaction with and use of network resources”; Paragraph 19: “automatically sends the information acquired from the client back to the server for storage and analysis)(Fig. 3: 307 & 308); and

sending a Web page content request to a content provider server, wherein the Web page content request corresponds to the selected link (Paragraph 10: “banner was “clicked” on to visit the Web site of the advertiser”; Paragraph 19: “sent before or as the client exits the file”;

Art Unit: 2178

Paragraph 40: “choices (such as links) made by individual users within a particular page: i.e. the user selects a hyperlink on the displayed web page requesting a new web page and leaves the tracked web page).

-In regard to dependent claim 41, Davis teaches wherein receiving a selection of a link comprises monitoring user input for an action related to a link in said array of links (Paragraph 10: “how many times a banner was “clicked” on”; Paragraph 18: “monitor various indicia....such as selections of links to other resources or files; Paragraph 40: “such as time....within a particular Web page”) and identifying a user action related to a link in said array of links (Paragraph 10: “how many times a banner was “clicked” on”; Paragraph 18: “monitor various indicia, such as elapsed time, mouse events, keyboard events....such as selections of links to other resources or files; Paragraph 40: “such as time....within a particular Web page”).

-In regard to dependent claim 42, Davis teaches wherein the tracking enabled Web page further comprises a recording function configured to record user actions related to said array of links, wherein sending a link tracking request comprises executing said recording function (Paragraph 13: “tracking information from the client to another computer connected to the network for storage and analysis”; Paragraph 14: “create a database....on their network servers”; Paragraph 16: “creating a database.....individual user interaction with and use of network resources”; Paragraph 19: “automatically sends the information acquired from the client back to the server for storage and analysis”)(Fig. 3: 307 & 308).

-In regard to dependent claim 44, Davis teaches wherein sending the link tracking request to the link tracking server comprises sending one or more cookies to the link tracking server (Paragraph 16: “client Ids (known as “cookies”) that have accessed particular resources”; Paragraph 46: “so-called “Cookie” of the client is also sent to the server”).

-In regard to dependent claim 45, Davis teaches wherein further comprising providing from the link tracking server link tracking statistics to a link tracking subscriber (Paragraph 4: “subscriber-indexed billing database”; Paragraph 10: “advertisers”; Paragraph 13: “tracking information from the client to another computer connected to the network for storage and analysis”; Paragraph 14: “create a database....on their network servers”: i.e. the “network administrators” Paragraph 16: “creating a database.....individual user interaction with and use of network resources”; Paragraph 19: “automatically sends the information acquired from the client back to the server for storage and analysis”)

-In regard to dependent claim 46, Davis teaches wherein further comprising providing from the link tracking server link tracking reports to a link tracking subscriber (Paragraph 4: “subscriber-indexed billing database”; Paragraph 10: “advertisers”; Paragraph 13: “tracking information from the client to another computer connected to the network for storage and analysis”; Paragraph 14: “create a database....on their network servers”: i.e. the “network administrators” Paragraph 16: “creating a database.....individual user interaction with and use of network resources”: i.e. user profiles containing details of an individual user; Paragraph 19:

Art Unit: 2178

“automatically sends the information acquired from the client back to the server for storage and analysis”).

-In regard to dependent claim 47, Davis teaches wherein the link tracking code is received via a hyper text transfer protocol communication (Paragraph 11: “via the HTTP request header”; Paragraph: “HTTP service”; Paragraph 36: “HTTP is a known application protocol that provides users access to resources”).

-In regard to dependent claim 48, Davis teaches wherein the initial function creates the array of links by searching the Web page content for anchor tags identified with start and end tags (Paragraph 18: “tracking program downloaded from server....monitor various indicia....such as selections or links to other resources or files”; Paragraph 21: “tracked resource....such as a Web page”; Paragraph 22: “embedded URLs”; Paragraph 36: “a typical web page is an HTML document with...”links” that a user may activate”; Paragraph 40: “such as time....within a particular Web page”: i.e. the initial tracking program function tracks the array of links listed in the web page that link to resources by recognizing the links in the parsed and displayed HTML web page resource).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (US-2005/0114511 05/26/05) in view of Bates et al (US-7,076,546 07/11/06).

-In regard to dependent claim 43, Davis teaches further comprising the steps of determining a domain name of the received tracking enabled Web page (Abstract: “using a client to specify an address of a resource located on a first server” Paragraph 21: “tracked resource...such as a Web page”; Paragraph 46: “client issues a TCP/IP request for a Web page”)(Fig. 3: “Request For Webpage”), determining a domain name of the selected link (Abstract: “monitor....track choices and selection made by a user in the file”; Paragraph 36: “upon specification of a link...receives information that was specified in the URL...information returned”; Paragraph 40: “monitor details of choices (such as links) made by individual users”); and indicating an exit link in the link tracking request (Paragraph 10: i.e. tracking program would record the number of links from a popular web page to an advertiser web site via an exit link ad banner; Paragraph 13: “tracking information from the client to another computer connected to the network for storage and analysis”; Paragraph 14: “create a database....on their network servers” Paragraph 16: “creating a database.....individual user interaction with and use of network resources”; Paragraph 19: “automatically sends the information acquired from the client back to the server for storage and analysis”(Fig. 3: 307 & 308): i.e. the tracking program would

Art Unit: 2178

record the resulting web page resource selected regardless of whether it was an internal or external link, and would indicate an exit link by recording the resource URL).

Davis does not specifically teach comparing the domain name of the received tracking enabled Web page to the domain name of the selected link to determine if they are the same. Bates teaches comparing the domain name of the received tracking enabled Web page to the domain name of the selected link to determine if they are the same (column 10, lines 5-26: “determines whether the old and new URL’s specified in the event are located on the same web server”). It would have been obvious to one of ordinary skill in the art at the time of the invention for the Davis to have compared the domain names of the tracking web page and the selected link, because Bates teaches that when determining that the pages come from the same server the user is able to more quickly be able to retrieve the new resource by passing a single swapPage event which specifies the old and new URL (column 10, lines 5-16). Whereas if the new page was on a separate server from the old web page, a user would have to respectively pass both a releasePage and getPage request to both web servers (column 10, lines 15-19).

Response to Arguments

9. Applicant's arguments with respect to claim 40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-2002/0029290	03-2002	Burema et al.
US-2007/0050257	03-2007	Fine et al.
US-2005/0044139	02-2005	Christian et al.
US-2004/0103426	05-2004	Ludvig et al.
US-2006/0136586	06-2006	Johnson et al.
US-2002/0078191	06-2002	Lorenz, Todd
US-2003/0236701	12-2003	Rowney et al

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam L. Basehoar

A handwritten signature in black ink, appearing to read "Adam L. Basehoar", written in a cursive style.